

AMENDMENTS TO THE DRAWINGS:

Revised drawings are attached in Appendix A.

REMARKS

Claims 1 through 13 are pending in the application. Claim 6 is canceled. Claims 1 through 5 and 7 through 13 are amended.

Claims 5 through 10 have been rejected under 35 U.S.C. 102(b) as being anticipated by British patent No. GB 1,600,743 to Haddrell, hereinafter "Haddrell."

Claim 5 has been amended to clarify the inventive differences between the present invention and Haddrell (GB 1,600,743). In this regard, the axial relationship between the means of holding the wall members spaced apart (now referred to as "support means") and the housing has been more precisely defined. As a consequence of this amendment, some of the subject matter of former claim 6 has been added to claim 5. Former claim 6 has been deleted, and claims 7 to 10 have been amended to accommodate the changes to claim 5.

Claim 5 requires that the compression of the wall members occurs as the device is axially attached to a fluid-supplying component to provide a seal and that the support means is actually constrained within the housing, yet axially movable within the limits of its constraint, so as to enable the compression to take place.

Haddrell teaches a support for the wall member and this support appears to be axially movable within the pipe 8. However, the supporting sleeve 2 is not axially constrained with the housing and the can. In fact, Applicant submits that it could simply be removed in the leftward direction of figure 1 of Haddrell. In this regard, it is emphasized that the threaded components to which the nut 10 is fitted cannot be considered part of the housing of this valve within the meaning of claim 5. This is because the compression needs to occur when the housing is axially attached to the fluid-supplying component and such compression does not occur when this particular component is attached to the pipe 9. The compression instead occurs when the nut 10 is threaded onto this component; hence this component must be considered the fluid-

supplying component within the meaning of claim 5, and so it cannot be considered part of the housing.

This feature of constrained axial movement of the support provides significant operational benefits. The primary advantage is that the device can be supplied and stored as a single component which automatically presents an easy-fitted, self-sealing unit to the fitter. It is not necessary for the fitter to select component and to assemble them together. More importantly, it is not possible for the fitter to lose any of the components, or assemble them incorrectly. This ease of use and resistance to incorrect insulation are highly desirable benefits not only for the end-users, but also employers of end-users and retailers, who wish to ensure that the product is properly and efficiently installed with a low risk of failure and little time wasted. Therefore, the applicant respectfully submits that claim 5 is not anticipated by Haddrell.

Claims 7 through 10 depend from claim 5. For at least the reasons provided in support of the patentability of claim 5, claims 7 through 10 are also patentable over Haddrell. Therefore, the applicant respectfully requests that the rejection of claim 5 and claims 7 through 10 be withdrawn and that these claims be allowed.

Claims 11 through 13 have been rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,460,200, to Glicksman, hereinafter "Glicksman."

Claim 11 has been amended to clarify the inventive differences between it and Glicksman. In particular, claim 11 has been amended to define a non-return device for the use between a waste outlet and a waste pipe in a plumbing system.

Glicksman teaches a simple check valve, but does not teach or suggest a non-return device for use between a waste outlet and a waste pipe in a plumbing system. The check valve is fabricated from two thin sheets of plastic. It is intended to aid a user blow up a toy balloon by mouth. However, Applicant submits that Glicksman does not

teach or suggest any application of such a device for use in a plumbing system, and in particular does not teach a non-return device for the use between a waste outlet and a waste pipe comprising a tubular housing as defined in amended claim 11. As a result, Applicant submits that Glicksman does not anticipate claim 11. Claim 11 has also been amended to include the presence of a tubular housing.

Claims 12 and 13 depend from claim 11. For at least the reasons provided in support of the patentability of claim 11, claims 12 and 13 are also patentable over Glicksman. Therefore, the applicant respectfully requests that the rejection of claims 11 through 13 be withdrawn and that these claims be allowed.

Claims 1 through 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over British Patent No. GB 2,296,309 A, to O'Hara et al. (hereinafter "O'Hara") over Belgian Patent No. BE 669,967. For sake of convenience, this response will refer to the English-language equivalent of BE 669, 967, which is United States Patent No. 3,460,168, to De Bruyne (hereinafter "De Bruyne").

Claim 1 has been amended to clarify the inventive differences between it and O'Hara and De Bruyne mentioned by the Examiner. The Examiner argued that it would be obvious to modify the teaching of O'Hara et al with the teaching of De Bruyne to arrive at claim 1. Claim 1 has been amended to define that the invention relates to a non-return device for use between a waste outlet and a waste pipe in a plumbing system, with a tubular housing for connection between the waste outlet and the waste pipe.

De Bruyne relates to a device having a radial-type membrane, as opposed to the tubular housing provided by amended claim 1. Furthermore, De Bruyne relates to a drainage system for preventing foam returning to plumbing fittings. It is disclosed that this problem has previously been addressed by providing a foam chamber, of substantial size, at the lowest point of waste drainage within a building. The solution provided in De Bruyne is a flap valve for deployment between a U-bend (3) and a down

pipe (11, figure 4). There is no teaching or suggestion whatsoever of the flap valve being deployed without the U-bend or U-trap 3. See, for instance column 2, lines 3 to 5 and, particularly, column 2, lines 54 to 59 of De Bruyne where the foam trap "must always be fitted between the discharge pipe or downpipe for wastes... and usually near this trap".

Since the fundamental purpose of a non-return valve in accordance with the present invention is to omit the U-trap, there is no apparent reason why the skilled addressee would consider this document when looking for the solution provided by the present invention.

Even if the skilled addressee were to consider this document in combination with O'Hara et al, he or she would readily appreciate that the device disclosed in De Bruyne would be unlikely to meet his or her needs. Therefore, Applicant submits that claim 1 is not obvious in view of O'Hara and De Bruyne.

Claims 2 through 4 depend from claim 1. For at least the above reasons, claims 2 through 4 are also patentable over O'Hara and De Bruyne.


For the reasons set forth above, it is submitted that the rejection of claims 1 through 4 under 35 U.S.C. 103(a) as anticipated by O'Hara and De Bruyne is overcome. Therefore, the applicant respectfully requests that the rejection of claims 1 through 4 be reconsidered and withdrawn.

Applicant takes note of the Examiner's request for a new declaration. Attached in Appendix D is a revised, unexecuted copy of the new declaration. As soon as an executed copy is provided by the applicant, it will be sent to the Examiner.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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